



U.S. DEPARTMENT of STATE

Zambia

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Zambia is a republic governed by a president and a unicameral national assembly. Since 1991, multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). MMD candidate Levy Mwanawasa was elected President in 2001, and the MMD won 69 out of 150 elected seats in the National Assembly. Domestic and international observer groups noted general transparency during the voting; however, they cited several irregularities. Opposition parties challenged the election results in court, and judicial deliberations were ongoing at year's end. The anti-corruption campaign launched in 2002 continued during the year and resulted in numerous arrests and prosecutions. The judicial system was hampered by inefficiency, corruption, and lack of resources.

The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security Intelligence Service (ZSIS), under the Office of the President, is responsible for intelligence and internal security. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

The economy was market based with a population of 10.4 million. Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 15 percent to the gross domestic product. Economic growth was projected at 4.6 percent for the year; wages generally failed to keep pace with an inflation rate of 17.5 percent. The Government's efforts to rein in public spending resulted in the resumption of balance of payment support from donors and debt forgiveness. Approximately 73 percent of the population lived below the poverty line.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and tortured, beat, and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained a serious problem. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The police infringed on citizens' privacy rights. The Government restricted speech and press freedom. Police forcibly dispersed demonstrations and obstructed rallies of the political opposition, labor unions, and civil society groups. The Government ordered and then rescinded the dissolution of NGOs during the year. Violence and discrimination against women remained widespread. Child abuse, trafficking in persons, and discrimination against persons with disabilities were problems. Workers' rights were limited, and child labor remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the Government or its agents; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the Government, consistently investigated and publicized such incidents.

Police killed several persons during apprehension and in custody. On March 21, police in Kitwe arrested, detained, and beat Michael Kalunga and Davie Mwape for possession and consumption of illegally brewed alcohol; on March 25, Kalunga and Mwape died in detention as a result of the beatings. Eight other persons arrested and detained on the same charge as Kalunga and Mwape were beaten; five remained in custody awaiting trial at year's end. No action was taken against the responsible police by year's end.

On December 25, 2003, police in Nakonde arrested and beat 28-year-old Fridah Mulenga following allegations that she had abandoned an 8-month-old child. On December 6, when Mulenga was released, she complained of severe chest pains and was admitted to a hospital; on January 7, she died. No action was taken against the responsible police by year's end.

During the year, there were incidents of accidental killings by police. For example, on March 15, in Livingstone, police in pursuit of two fleeing prisoners shot and killed Lydia Monga, a bystander. The officer who fired the shots was charged with murder, detained, and awaiting trial at year's end.

Police forcibly dispersed demonstrations during the year; at least one person was killed (see Section 2.b.).

On January 20, witnesses testified in court that Lusaka police officers Davis Nyirenda and Ignatius Machilika, who were charged with the May 2003 shooting to death of Tombozgani Chirambo, were responsible for Chirambo's death; however, the magistrate released the two policemen for insufficient evidence. The 2003 complaint filed by Chirambo's family, which prompted the arrest of the officers, was still pending at year's end.

No action was taken against police responsible for the 2003 killings in custody of Chomba Mulamba, Tobias Kapenda Tembo, and Chisenga Chisenga.

The results of the inquest into the 2002 killing by police of Alison Phiri and David Nkwambwa were not released by year's end.

There was no known action taken in the 2002 killings by police officers.

Mob violence, which generally targeted suspected thieves, witches, or persons suspected of sexual impropriety, resulted in killings during the year. For example, on September 21, a mob in Lusaka beat to death an unidentified man who was caught trying to break into a house. Police made no arrests in such cases during the year.

Unlike during the previous year, there were no reports that Mai Mai rebels from the Democratic Republic of the Congo (DRC) killed civilians.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. Authorities detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts, although local human rights organizations, particularly LRF, were active in pressing for such action.

On January 16, police in Chingola arrested, detained, and tortured local resident Nkumbwa Daniel Jones, who allegedly stole copper concentrates from the truck he was driving. To extract a confession, police beat Jones as he hung immobilized and upside down from a metal bar swing known as a "kampelwa"; Jones was also denied food, water, and medical treatment for several days. Only after intervention by the Permanent Human Rights Commission did police allow Jones to obtain medical attention for his injuries. The LRF filed a lawsuit against the officers; no further action was taken in the case by year's end.

In early March, Munali police arrested Aliyele Sakala on suspicion of having stolen goods valued at approximately \$20 (94,000 kwacha). While in custody, police beat Sakala and tied his arms and legs to the door of his cell for 3 days, which left him partially paralyzed; police claimed that Sakala's injuries resulted from epileptic seizures. The LRF and police investigated the allegations; however, no further actions were taken by year's end.

On March 30, police in Nakonde arrested Adam Simukwai on suspicion of harboring suspects in a cattle-rustling case. During apprehension and while in custody, police severely beat Simukwai and broke his leg. Police pledged to investigate the abuse; however, no results had been released by year's end.

On March 28, President Mwanawasa's mother, Mirriam Mokola, suffered third-degree burns in an Ndola bus accident. Following Mokola's death on April 9, police handcuffed the driver of the bus, Humphrey Mumba, to his hospital bed. The handcuffs prevented Mumba, who also was badly burned, from turning over in his bed, which complicated his recovery. After media reports on the incident, President Mwanawasa ordered that the handcuffs be removed. On April 16, the responsible police officer was charged with police misconduct; however, no action had been taken on the charges by year's end.

The 2003 LRF suit filed against the police on behalf of Webster Mfula, who was tortured for 3 days in detention, still was pending in the courts at year's end. No arrests had been made by year's end.

No action was taken against police officers responsible for the 2003 torture of Kalengo Kalowani and Shebo Silumelume.

During the year, several victims of state-sponsored torture following the 1997 coup attempt filed compensation claims. In January court proceedings, Major Bilex Mutale and Angel Suza sued former Drug Enforcement Commission Deputy Commissioner Teddy Nondo, former Commissioner of Police Emmanuel Lukonde, and Attorney General George Kunda for damages resulting from false imprisonment and torture following their 1997 arrest. Mutale and Suza charged that police used the kampelwa during beatings; that they were denied food, water, and bedding for 6 days; and that they were denied access to legal representation, medical facilities, and access to their families. The case was still pending at year's end.

Some traditional rulers continued to use corporal punishment, which is illegal. On April 1, police in the Copperbelt arrested Chief Mushili of the Lamba people for assaulting and extorting from his subjects; the results of court proceedings were unknown at year's end. In late September, subjects of Chief Matipa in Northern Province publicly admonished their Chief for routinely beating his subjects with a cane and whip.

Police occasionally demanded sex from female detainees as a condition for their release, according to human rights groups. For example, on November 10, local media reported that a female detainee at Livingstone Central Police cells consented to have sex with an unnamed officer in exchange for her release from custody. When the officer failed to release her, she complained to the supervising officer. The results of the police investigation were unknown at year's end.

On June 22, a Kabwe court sentenced police officer Joel Mukena to 15 months in prison for raping an unnamed female detainee in April 2003 and then facilitating her unlawful release from custody.

No action was taken against police who in 2003 sexually assaulted Mary Goma and Linda Zulu.

Police officer Joseph Chitambo, who was charged with theft and extortion in 2003, still was awaiting trial at year's end.

There were no further developments in the 2002 cases of police beatings or rapes.

Mob violence, which generally targeted suspected thieves, witches, or persons suspected of sexual impropriety, resulted in killings and injuries during the year (see Section 1.a.). On September 23, an angry mob near Ndola threatened to lynch a suspected wizard who was implicated by the movement of a coffin being carried to the cemetery; the mob withdrew when the suspected wizard, who was injured in the attack, agreed to pay approximately \$10 (50,000 kwacha) in damages.

Prison conditions were harsh and life threatening. The country's prisons, which were built to hold 5,500 inmates, held more than 13,200 prisoners, and inmates in Lusaka Central Prison were forced to sleep sitting upright. Severe overcrowding, poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of disease, including dysentery, cholera, and tuberculosis. After a severe outbreak of diarrhea in one prison, officials discovered that the inmates were being fed rotten cornmeal; officials stopped serving the cornmeal. Prisoners in another detention center had no toilets, chamber pots, or buckets. During the year, Lusaka Central Prison averaged one prisoner death a day from tuberculosis, according to the Prison's Assistant Superintendent.

Women and men were held separately in prison; however, juveniles often were not held separately from adults. Infants and young children of incarcerated women were held along with their mothers. As of July 1, 20 children were being held with their incarcerated mothers at Lusaka Central Prison.

Pretrial detainees were not held separately from convicted prisoners.

Prisoners with mental disabilities were not held separately from the general prison population. On September 9, a detainee with mental disabilities attacked and assaulted magistrate Richard Choonga as Choonga inspected the prison.

During the year, there were several deaths of prisoners due to neglect. For example, LRF reported that three inmates at Lusaka Central Prison died of cholera between March 29 and April 1 after they failed to receive medical care. Between October 1 and 15, 15 inmates at Lusaka Central Prison died from suffocation due to high temperatures and overcrowding in the cells.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions; LRF continued its prison visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects were arrested on the basis of insubstantial evidence or uncorroborated accusations.

Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Human rights training during the year raised police awareness of human rights; however, the use of excessive

force continued, and corruption was widespread.

Low salaries and substandard government housing exacerbated police corruption, as did poor working conditions, characterized on March 29 by Home Affairs Permanent Secretary Peter Mumba as a "national disaster." Police released prisoners in exchange for bribes, detained citizens in private debt disputes for a portion of the payment owed, extorted money at roadblocks, and required document processing "fees" or "gas money" to commence investigations. Some police officers arrested on corruption or abuse charges were convicted and sentenced to prison; however, most went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

The Government took some steps to address these problems. During the year, the Police Public Complaints Authority (PPCA), which was established in 2003 to provide the public with a place to direct complaints of police harassment and abuse, received 406 complaints of police misconduct. During the year, the PPCA resolved or referred the majority of cases received in 2003 and directed the police Inspector General (IG) to dismiss 3 officers and to reprimand 4 others. On February 12, President Mwanawasa instructed the Minister of Home Affairs to compel the IG to implement PPCA directives against officers found guilty of perpetrating such abuses; in 2003, the IG claimed that the PPCA lacked the statutory authority to direct him to take such action. In March, the IG dismissed four officers found guilty of abuse by the PPCA.

The law requires that authorities obtain a warrant before arresting a person for some offenses; however, other offenses had no such requirement. Suspects being arrested were informed of their rights, including the immediate right to an attorney. The law requires that suspects appear before a magistrate within 24 hours of their arrest; however, detainees were frequently held for longer periods because prosecutors routinely required that officers collect additional evidence before presenting cases to a magistrate. There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft.

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office, which employed only nine attorneys, is responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice, few received assistance.

Police frequently arrested individuals as a pretext for stealing their property or extorting bribes; however, there were fewer reports of such incidents than in previous years. For example, on January 19, police arrested Cephas Phiri, a passenger on a Lusaka minibus, when money from a nearby vehicle went missing. After searching all of the passengers, the police arrested Phiri when they found he had \$17.77 (83,500 kwacha). Phiri, who was detained for 5 days, demanded his money upon his release; however, the police refused and threatened to rearrest him. The LRF intervened on Phiri's behalf; however, the outcome was unknown at year's end.

Police stations frequently became "debt collection centers," where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Officers found engaging in this practice reportedly were disciplined. For example, on April 26, Lusaka police arrested Bernard Mulendema, who had sold property on consignment and failed to compensate the owner. On April 30, the arresting officer offered to release Mulendema from custody if he paid \$21 (100,000 kwacha). Mulendema informed the Anti-Corruption Commission, which arrested the officer on corruption charges; the outcome of the case was unknown at year's end.

Police arbitrarily arrested family members of criminal suspects (see Section 1.f.).

Authorities detained five journalists during the year (see Section 2.a.).

The Government also threatened to arrest the members of an organization that it claimed was unregistered (see Section 2.b.).

Pretrial detention often was prolonged. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice, police held most detainees for more than 1 month from the time of detention to the first appearance before a magistrate. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants waited as long as 10 years for completion of appeals processes that reached the Supreme Court. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, labor unrest, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments (see Section 1.e.). Attorneys and family members were permitted access to pretrial detainees.

On February 11, police in the Lusaka suburb of Chilenje arrested five men on suspicion of aggravated robbery. Despite being scheduled for March court dates, the detainees had not been brought before a magistrate by year's end.

In May, the Lusaka High Court ruled that the Government was liable for holding Crispin Samulula in custody from 1996 to 2001 without trial. The Government appealed the decision, and the case was pending at year's end.

On October 13, UPND treasurer general Tiens Kahenya sued the Government for damages resulting from his imprisonment

from December 2002 to April 2003.

During the year, the Government took some steps to reduce the length of pretrial detentions. On March 1, the Government opened a circuit court at Kamfinsa Prison in Kitwe to expedite the cases of detainees. During the year, the Government also began construction on a new court complex near Lusaka Central Prison to accelerate the judicial process.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was hampered by inefficiency, corruption, and the lack of resources. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

Courts continued to act independently and at times made judgments and rulings critical of the Government. For example, on January 5, the Lusaka High Court blocked the Government's deportation of journalist Roy Clarke (see Section 2.a.). On December 17, the Lusaka High Court rejected the Government's decision to deregister SACCORD (see Section 2.b). On December 24, the Lusaka High Court ruled against the Ministry of Information and Broadcasting Services on an issue involving appointments to the Independent Broadcasting Authority.

During the year, the Government continued to investigate and prosecute senior officials allegedly involved in corruption during the administration of former President Chiluba.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody (see Section 1.d.). In many cases, at least 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or, in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified attorneys; the rest were filled by lay magistrates.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating in proceedings in such courts, and there are few formal rules of procedure. Presiding judges, who usually were prominent local citizens, have substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, and other civil proceedings, and rule on minor criminal matters. Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

During the year, judiciary workers went on strike to protest government changes to income tax rates and salary adjustments for civil servants (see Section 6.b.).

During the year, magistrates frequently did not appear at court as scheduled; reports indicated that the no-shows were designed to pressure the Government for better conditions of service for magistrates (see Section 6.b.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause.

Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on March 4, local media reported that police in Livingstone had arrested the husband, mother-in-law, and two other relatives of a bank teller who stole money from her workplace and fled to South Africa. The Permanent Human Rights Commission (PHRC) condemned the detention of the family members and demanded their immediate release. The family members were released following questioning by the police; however, the suspect remained at large at year's end.

In April, police in Lusaka reportedly arrested the son of a suspect wanted in connection with a debt dispute after they were unable to locate the suspect. The police subsequently held the son in custody until the boy's sister paid the suspect's debt.

The 2003 lawsuit brought by Joshua Chinyama against the police for the detention of his children was still pending at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government-owned media generally practiced self-censorship; however, the private print media routinely criticized the Government.

On January 15, Livingstone police arrested and threatened to prosecute Patson Kabayame for insulting President Mwanawasa; Kabayame was released after several weeks in custody. Kabayame had criticized the President for revoking recognition of Kabayame's older brother as a traditional chief.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The government-controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers.

In addition to the government-controlled radio station, there were several church-related radio stations, 6 private commercial radio stations, and 12 community radio stations in the country. A Catholic radio network, Radio Yatsani, officially had permission to rebroadcast programs from Vatican Radio and news clips from the BBC; however, it first had to have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts. On January 1, the Ministry of Information and Broadcasting Services (MIBS) ordered Breeze FM, a commercial radio station in Chipata, to stop relaying BBC broadcasts; MIBS claimed that Breeze FM's license permitted local and regional broadcasts only.

The government-owned ZNBC was the principal local-content television station, and opposition political parties and civil society groups complained that government control of the station and of two major newspapers limited their access to mass communication. For example, on February 17, ZNBC cancelled without prior notice a program in which Leonard Hikaumba, the President of the Zambia Congress of Trade Unions (ZCTU), was scheduled to discuss controversial remarks made by the Minister of Finance and National Planning concerning a government wage freeze; the cancellation followed intervention by the Office of the President.

Several private television stations, including foreign media, broadcast locally, although none included local news coverage. Multichoice, a telecommunications company based in South Africa, and CASAT provided satellite and analog wireless subscribers with television services, which included broadcasts of foreign news sources.

The police harassed and arrested journalists during the year. On January 5, the Ministry of Home Affairs informed Post columnist Roy Clarke, a foreign national who had lived in the country for more than 30 years, that he would be deported within 24 hours; Clarke had criticized President Mwanawasa in a January 1 Post article (see Section 2.b.).

On January 28, police assaulted and arrested Daily Mail photojournalist Mackson Wasamunu while he photographed police officers confiscating the goods of illegal street vendors; Wasamunu was released 6 hours later with an apology from the police, who damaged his cameras and confiscated his film. Wasamunu filed a complaint against the arresting officers; no further information was available at year's end.

On February 20, police briefly detained Joseph Ngenda and Dennis Mwiiya, two Radio Lyambai journalists, for allegedly inciting persons to riot after the station broadcast a program that accused a local man of being a wizard; angry residents had assaulted the accused wizard and burned his home.

On December 20, police assaulted and detained for 4 hours journalists Kangwa Mulenga, Eddie Mwanaleza, Mutuna Chanda, and Brighton Phiri, who were reporting on demonstrations against the constitutional review and adoption process; Mulenga was injured during the assault. The Minister of Information later expressed regret over the police abuse.

During the year, the Government interfered with radio and television stations. For example, the Minister of Information and Broadcasting Services indicated that she would forward to Parliament her own nomination list for board membership of ZNBC and the Independent Broadcasting Authority, modifying the list submitted by the nominations panel, which has statutory authority to nominate such candidates. Six local media organizations subsequently petitioned the High Court to nullify any nominations that had not originated with the nominations panel. On December 25, the Lusaka High Court ruled in favor of the media bodies and ordered the Minister to forward the list provided by the nominations panel.

During the year, the assets of the private television station Omega, which police raided and closed in November 2003, were liquidated; the station remained closed during the year.

The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the Government. As a result, journalists in the government-owned media generally practiced self-censorship, and the government-owned media continued to be supportive of the Government.

In response to headlines and stories alleging official corruption, those accused and others brought numerous libel suits against the media. For example, on January 7, Deputy Minister of Mines Stephen Mukuka sued the Zambia Daily Mail newspaper and the Times Printpak newspaper for libel in response to June 2003 articles that accused Mukuka of using his ministerial position to acquire illegally a house from Zambia Consolidated Copper Mines, a former mining parastatal; the outcome of the case was unknown at year's end.

On May 24, Deputy Minister of Commerce Geoffrey Samukonga sued the Zambia Daily Mail and Patson Phiri, one of the newspaper's reporters, for libel in response to May 21 and 23 articles that accused Samukonga and his nephews of stealing donated rice intended for Chawama residents; the outcome of the case was unknown at year's end.

On September 15, a Lusaka High Court judge ordered the National Mirror newspaper to pay \$312,500 (1.5 billion kwacha) in libel damages to lawyers Mutembo Nchito and Nchima Nchito; the Mirror implied in its August 14-20 edition that the Nchito brothers had misappropriated a client's money. It was unknown at year's end if the National Mirror had appealed the judgment.

The 2003 libel suit filed by the Permanent Secretary of the Ministry of Home Affairs against the Monitor newspaper remained pending at year's end.

During the year, there were numerous defamation suits filed by political leaders. At the March funeral of former Patriotic Front Member of Parliament (M.P.) Alex Manda, PF president Michael Sata accused the MMD, the Government, and State House Deputy Minister Webby Chipili of having murdered Manda. In response, Home Affairs Minister Ronnie Shikapwasha threatened to arrest Sata. On April 8, Sata referred to Chipili as a "serial killer." On August 10, the Ndola local court ordered Sata to pay Chipili approximately \$500 (2.5 million kwacha) in damages. Sata appealed, and the case was pending at year's end.

In a separate case, the Lusaka High Court on July 27 ordered Michael Sata and the Post newspaper to each pay approximately \$4,000 (20 million kwacha) to Finance and National Planning Deputy Minister Mbita Chitala; Sata in a 2002 Post article had accused Chitala of falsely implicating Zambia Alliance for Progress president Dean Mung'omba and Sesheke M.P. Princess Nakatindi Wina in the 1997 attempted coup. Sata's appeal was pending at year's end.

On September 23, the Lusaka High Court found Sport, Youth, and Child Development Deputy Minister George Chulumanda liable for damages for August 8 statements that criticized Sata; Chulumanda's appeal was pending at year's end.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government interfered with this right in practice.

During the year, government officials, opposition leaders, and NGOs continued to criticize the Public Order Act (POA), which requires rally organizers to notify police 7 days in advance of a rally, and which police often used to deny rally permits.

On January 10, police revoked the rally permit of B.Y. Mwila, the former president of the Zambia Republican Party (ZRP); the revocation reportedly was made at the behest of Sylvia Masebo, ZRP Secretary General and Minister of Housing and Local Government. Mwila, who had been expelled from the ZRP in 2003 after he allegedly confiscated voter registration materials, had refused to recognize the expulsion.

On May 18, police briefly detained PF president Michael Sata for marching without a permit; supporters had spontaneously followed Sata as he left the Ndola local court, where he was the defendant in a defamation suit brought by Copperbelt Deputy Minister Webby Chipili (see Section 2.a.). Police released Sata after he apologized for the incident.

On July 16, police refused to issue a permit for a demonstration organized by the Citizens Forum to protest the gratuities paid to

M.P.s; police cited security concerns as the reason for the refusal. The Citizens Forum appealed the decision to the Minister of Home Affairs, who declined to overturn the decision.

On December 20, police briefly detained and released on bond 11 UPND M.P.s, 4 journalists, and 53 other persons demonstrating against the Government's method and timing of adopting a new constitution; police charged that the organizers had failed to adhere to POA notification requirements. A preliminary court hearing was scheduled for January 2005.

During the year, police forcibly dispersed demonstrations, which resulted in one death. On September 27, police in Sesheke shot and killed a high school student during a demonstration that became violent when students stoned the police station and cut its telephone lines; the demonstrators were protesting the slapping of a student the previous week by a police officer. Police promised to investigate the shooting, which occurred when a student tried to release prisoners being held in the police station; the results of the investigation had not been released by year's end.

On occasion, police failed to intervene during violent demonstrations. On January 26, armed police stood by and watched as 200 MMD members assaulted supporters of journalist Roy Clarke; the supporters had gathered outside of the Lusaka High Court for Clarke's deportation hearing (see Section 2.a.). The Government reportedly had ordered the police not to interfere, a charge denied by the Police IG.

No investigation was conducted into the March 2003 killing by police of a student demonstrator.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications; however, during the year, the Government deregistered an NGO and threatened to ban an organization and to arrest its members.

On July 5, Home Affairs Minister Ronnie Shikapwasha attempted to ban the Oasis Forum (a civil society umbrella organization that frequently criticized the Government) for failing to register with the Registrar of Societies; Shikapwasha threatened to arrest Forum members who continued to use the organization's name. The Government charged that while the Forum's individual member organizations were properly registered, the Oasis Forum itself was not registered; the Forum countered that such a general registration was unnecessary due to the Forum's informal structure and the registration of its individual participants. On September 12, Minister of Justice George Kunda announced that the Forum's disagreement with the Government's constitutional review process and mode of adoption of a new constitution was a usurpation of executive power and could be punished as treason; however, the Government later rescinded its decision to ban the organization, which continued to operate "unregistered."

In November, Shikapwasha ordered the immediate deregistration of the Southern African Center for Constructive Resolution of Disputes (SACCORD), alleging that the NGO had conducted "activities which are inimical and a danger to state security." When SACCORD requested the specific grounds for deregistration, Shikapwasha said the action was final and that he was not legally obliged to give SACCORD an explanation. On December 17, the Lusaka High Court overturned Shikapwasha's decision, and on December 24, the Government announced that it would appeal the decision to the Supreme Court; however, there were no further court actions by year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

On March 15, police charged Boyd Kanyanta and Iqbal Patel, the former operators of an Islamic school in Lusaka, with attempted bribery of a police officer; in 2003, the school was closed, and both men were arrested on child abuse charges due to the school's harsh conditions. The child abuse charges were subsequently withdrawn. Kanyanta and Patel had offered officer Tresford Kasale approximately \$1,000 (5 million kwacha) to destroy pending deportation orders against them and to recommend that the school be reopened; the policeman who refused the bribe was promoted. On December 13, a Lusaka magistrate acquitted the two men of bribery, resulting in the clearance of all charges against them.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41633.htm).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government limited them in practice. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these

roadblocks. On April 15, Home Affairs Permanent Secretary Peter Mumba urged the public not to pay bribes or traffic fines at roadblocks.

The law prohibits forced exile, and the Government did not use it.

The law does not provide for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 U.N. Convention Related to the Status of Refugees/1967 Protocol.

The UNHCR estimated that there were approximately 194,000 refugees in the country at year's end, most of whom were Angolans and Congolese; 104,000 of the refugees were in formal camps.

In March and early April, more than 2,000 Rwandan and Congolese refugees fled Mai Mai rebel violence in the DRC and entered Luapula and Northwestern Provinces. On April 4, Home Affairs Deputy Minister Kennedy Sakeni pledged that the Government would deport the refugees in Luapula Province, who had quickly integrated into the local community; however, no refugees had been deported by year's end. On October 16 and 17, 3,000 Congolese fled into the country when rebels captured the town of Kiliwa in the DRC; most of the refugees, who had refused resettlement in refugee camps, returned home a week later after DRC troops recaptured the town.

Voluntary repatriation of Angolan refugees continued during the year, and more than 27,000, primarily from the Meheba, Nangweshi, and Mayukwayukwa camps, were repatriated by year's end. On May 17, UNHCR and government officials announced that only 107 Rwandan refugees out of a total of 5,000 had agreed to voluntary repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers.

In 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the UPND candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. The MMD's use of government resources during campaigns, including the government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant vote rigging took place during the elections.

Anderson Mazoka, the UPND runner-up in the 2001 presidential election, Christon Tembo of the Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results; on October 8, the Supreme Court heard final testimony in the case, which remained pending at year's end.

There were numerous irregularities in the by-elections held since 2001. Former ZRP president B. Y. Mwila was arrested in connection with the confiscation of voter registration materials, UPND elections committee member Andrew Banda was arrested on charges of obstructing the chief registrar, and UPND M.P. Crispin Sibetta was arrested for "conduct likely to cause a breach of peace"; all three were released on bond. The charges against Mwila and Sibetta were subsequently dropped, and Banda was acquitted by a magistrate's court. UPND and ZRP activists also seized voter registration cards and equipment to stop what they contended was illegal voter registration for the July 2003 by elections in Nangoma and Mwansabombwe.

In its report on the period prior to the May 26 by-elections in Kantanshi constituency, the Foundation for Democratic Process expressed concern about the MMD's use of government resources in electioneering, vote buying, and intimidation. The MMD distributed mosquito nets, bags of rice, corn meal, and traditional beer to local residents. On May 21, press reports suggested that the Ministry of Lands accelerated the handover of former state-owned houses to their new tenants in Mufilira in hopes of winning support for the MMD in the Kantanshi by-election.

During the year, rival party activists occasionally clashed. On July 28, police in Kitwe briefly detained Copperbelt PF secretary Davis Mwila for assaulting MMD security guard Jason Mwngani; PF activists also assaulted Ndola District Commissioner Victor Konie during the incident. The case was pending at year's end.

During the year, the Government continued to investigate and prosecute senior officials allegedly involved in corruption during

the administration of former president Chiluba (see Section 1.e.). The Government also filed corruption charges against several officials of the current administration and former military commanders, including: Lieutenant Generals Wilford Funjika, Sande Kayumba, and Geojago Musengule, who were charged in separate cases of procurement fraud; and Samuel Musonda, the former managing director of a state-owned bank, who was accused of abuse of office. Their trials were ongoing in civilian courts at year's end.

The Government worked with NGOs and the international community to eliminate the causes of corruption: Parliamentary oversight of the executive branch operations was strengthened; the Auditor General, which published a candid report on corruption during the year, acquired greater independence; and the Anti-Corruption Commission increased its prosecution and public educational activities.

Despite these efforts, there remained a widespread public perception that corruption was pervasive in almost all government institutions. Controls over government funds and property were often weak, investigative units often lacked authority and personnel, and officials dealing with the public frequently demanded illicit payments with impunity.

The law does not provide for public access to government information; however, in practice, the Government provided information to media and interested parties on an ad hoc basis. With the exception of information related to the Zambian Defense and Security Forces, the Government was generally forthcoming with information.

Constitutional amendments barring citizens of partial or full foreign ancestry from the presidency violated the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who were accorded authority and privileges as chiefs, from running for political office unless they resigned their chieftainships.

During the year, the Constitutional Review Commission (CRC) concluded its campaign to solicit public views concerning the formulation of a new constitution; however, the results were not released by year's end. Members of civil society and the political opposition criticized the CRC and demanded that its recommendations be transmitted directly to a constituent assembly rather than to the President.

There were 19 women in the 158-seat Parliament (150 members were elected, while 8 others were appointed by the President); 2 elected ethnic Asians also held seats.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with such groups; however, during the year, the Government attempted to deregister the Oasis Forum and SACCORD (see Section 2.b.).

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, the Southern African Commission for Conflict Resolution and Disputes, and the Zambia Civic Education Association, continued to press for a more transparent democratic electoral system. Human rights, development, and election NGOs monitored by elections during the year and organized civic education activities to improve voter participation and information.

On April 2, Parliament approved the appointment of a new set of commissioners on the PHRC; the positions had been vacant since May 2003. On July 16, the PHRC opened a permanent regional office in Ndola. The Commission oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the Government, and spoke on behalf of detainees and prisoners. Independent human rights groups complained that the PHRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed; however, discrimination against women and persons with disabilities remained a problem.

Women

Domestic violence against women was a serious problem, and wife beating and rape were widespread. Domestic assault is a criminal offense. The police Victim Support Unit (VSU) was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing"; however, in practice, the police often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation. On January 28, the IG of Police, Zunga Siakalima, announced the formation of a sexual crimes unit to respond to the growing number of sexual assault cases. The Government and NGOs expressed continued concern about violence against women.

The law prohibits rape, and courts generally sentenced rapists to hard labor; there were 642 cases of rape in 2003.

Prostitution is illegal, and police routinely arrested street prostitutes for loitering; however, there were no reliable statistics on the number of prostitutes in the country.

Trafficking in women was a problem (see Section 5, Trafficking).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Sexual harassment in the workplace was common. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to co-sign for loans. As a result, few women owned their own homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the first wife agrees to it at the time of her wedding. Under the law, the children of a deceased man equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rested with the deceased man's family. In practice, property grabbing by the relatives of the deceased man remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law, and as a result, received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

During the year, representatives of civil society campaigned against the common traditional practice of "sexual cleansing," under which a widow had sex with her late husband's relatives as part of a cleansing ritual. On May 1, Chief Kaputa of Northern Province joined other traditional leaders in banning the practice in his chiefdom.

On June 15, the Government hosted a UNICEF-sponsored International Symposium on Sexual and Gender-Based Violence Against Women and Children on forced marriage, sexual cleansing, and gender violence.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The NGO Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform.

Children

The Government sought to improve the welfare of children, but scarce resources and ineffective implementation of social programs continued to adversely affect the welfare of children. The Ministry of Sport, Youth, and Child Development; the Ministry of Education; the Ministry of Labor; and the Ministry of Community Development and Social Services had responsibility for improving child welfare. During the year, the Government began implementation of a strategy to provide shelter and protection to street children, including prostitutes.

Government policy provided for free basic education for the first 9 years of elementary school; however, education was not compulsory, and many children did not attend school. The Government has eliminated school fees and mandatory uniforms for primary education students to increase school attendance by children of impoverished families, which has reversed the decline in primary school attendance. The net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 72 percent by year's end. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents. The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school. The Government continued its collaboration with UNICEF on the Program for the Advancement of Girls' Education to work with families and community leaders to keep girls in school and to bring back those that have left.

On August 17, the local court in Mufumbwe district fined the parents of 20 girls who had been removed from school \$6 (30,000 kwacha) each; the girls, aged 13 to 16, were forced into marriages after becoming pregnant. The court also fined the 20 boys responsible for the pregnancies \$6 (30,000 kwacha) each for interfering in the girls' education. The court subsequently called on the VSU and the office of the District Commissioner to educate the public about gender-based violence and child abuse.

There were approximately 1 million children under the age of 15 in the country who were orphaned, primarily as a result of HIV/AIDS. These children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and approximately 7 percent of households were headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was a problem. Approximately 1,500 cases of child sexual abuse were reported annually, according to police statistics. During the first 3 months of the year, the VSU reported a 24-percent increase in child sexual abuse over the preceding year.

On February 15, Thomson Seke, who was ill, died in jail while awaiting trial for the 2003 assault and murder of his stepsister; the stepsister had died of a sexually transmitted disease.

The results of the police investigation of witness tampering in the 2003 child sexual assault case involving Chief Mpezeni had not been released by year's end.

There are laws that criminalize child prostitution; however, child prostitution was widespread, and the law was not enforced effectively. The presence of an estimated 30,000 street children in Lusaka contributed to the proliferation of street begging and prostitution. The laws against pornography and the sexual exploitation of children under the age of 21 were sporadically enforced.

Trafficking for sexual exploitation occurred (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

Trafficking in Persons

The law prohibits the trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, there were reports that persons were trafficked to, from, and within the country. During the year, the Parliament passed comprehensive child labor legislation (see Section 6.d.).

Persons convicted of trafficking were subject to a fine of between \$40 (200,000 kwacha) to \$200 (1 million kwacha), imprisonment of 5 to 25 years, or both. Convictions of abduction, assault, or seeking to have sex with a minor carried penalties up to life imprisonment with hard labor.

In February, the Immigration Department arrested a citizen of Kenya who had smuggled 27 east African nationals through the country and on to South Africa for purposes of trafficking, according to media reports.

On July 26, Mwana Mutale offered to sell two children to a local businessman. Mutale was charged with a felony, and the case remained pending at year's end.

During the year, Congolese nationals Bangu Kasenge and Delphine Bakuna Chibwabwa were tried for trafficking two girls, age 13 and 14, to Ireland in 2002; Chibwabwa subsequently had married the 13-year-old. The case was pending at year's end.

Women from the country were trafficked to South Africa for prostitution, and the country was used as a transit point for regional trafficking of women for prostitution to South Africa. During the year, there were reliable reports that women were trafficked to the country for commercial sex work.

On September 13, Home Affairs Permanent Secretary Peter Mumba announced that the Government had formed a human trafficking committee designed to focus attention, strategies, and resources to combat the practice; however, no actions had been taken by year's end.

Persons with Disabilities

Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to persons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

Other Societal Abuses and Discrimination

The law prohibits "carnal knowledge of any person against the order of nature"; however, it does not specifically outlaw homosexuality.

The Government actively discouraged societal discrimination against those living with HIV/AIDS; however, there was strong societal discrimination against such individuals, and more than 60 percent of the population believed that persons infected with HIV/AIDS should not be allowed to work.

On October 15, President Mwanawasa called on all citizens to get tested for HIV and cited early testing as the key to curbing AIDS-related deaths and the increase of orphans in the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the right of workers to form and belong to trade unions, and workers exercised these rights in practice.

Only 11 percent of the eligible workforce was employed in the formal sector; approximately 60 percent of the formal sector was unionized. On April 23, Home Affairs Minister Ronnie Shikapwasha announced that police officers would not be allowed to join a trade union; however, no action was taken to enforce the ruling.

The Industrial and Labor Relations Act (IRA) establishes the procedures for registration, which were somewhat burdensome. For example, no organization can be registered unless it had at least 100 members, and with some exceptions, no trade union may be registered if it claimed to represent a class or classes of employees already represented by an existing trade union or eligible for membership in an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an Industrial Relations Court.

Unlike in the previous year, the Government did not deregister unions. The United Transport and Taxis Association, Bus Driver and Motor Taxis Association, and Passengers Transport Association, all of which were deregistered in 2003 for allegedly promoting anarchy, remained deregistered.

The law prohibits discrimination by employers against union members and organizers; however, the law was not always enforced.

b. The Right to Organize and Bargain Collectively

The right to collective bargaining, without government interference, is protected in law and freely practiced. Employers and unions in each industry negotiated collective bargaining agreements through joint councils in which there was no government involvement. Civil servants and teachers, as public officials, negotiated directly with the Government. There are no export processing zones.

All workers have the legal right to strike, except those engaged in essential services; however, there has not been a legal strike since 1993. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Security Intelligence Service, the law defines as essential services any activity relating to the generation, supply, or distribution of electricity; to the supply and distribution of water; to sewerage; to fire departments; and to the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector. The law permits strikes only after all other legal recourse has been exhausted. Those procedures were very cumbersome. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes did not enjoy this protection.

The Government has responded to striking civil servants with threats of mass firing and arrests, and revocation of rally permits. Such threats were seldom carried out; however, on February 16, then-Vice President Nevers Mumba warned labor that participants in a planned February 18 strike to protest government tax and wage reforms would be breaking the law. The state telecommunications firm subsequently suspended 20 employees for attending a pre-strike meeting, and the government-owned Zambia National Commercial Bank suspended 9 workers who observed the strike; all employees were reinstated by year's end.

During the year, the Government paid many civil servants a portion of their outstanding housing allowances; labor leaders continued to press the Government for full and rapid payment.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred. The law authorizes the Government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when all members of a village were called upon to assist in preparing for a visit by a traditional leader or other dignitary; however, there were no reports of such activities during the year.

d. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum age for employment of children is 16 years, and the Labor Commissioner effectively enforced this law in the industrial sector, where there was little demand for child labor; however, child labor was a problem in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often were employed and the law was not enforced.

Child labor was most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. Acute family poverty levels and economic factors contributed to child labor, and the problem was compounded by the HIV/AIDS epidemic, which produced a growing number of orphans. During the year, the President signed into law comprehensive child labor legislation that prohibits all forms of slavery and procuring or offering a child for illicit activities, including prostitution.

Approximately 600,000 children were in the work force. While approximately 87 percent of working children worked in the agricultural sector, children continued migrating to urban areas and living as street children due to growing numbers of orphans resulting from the death of both parents due to HIV/AIDS. In urban areas, children commonly engaged in street vending.

During the year, the Government increased its budget to combat child labor from \$12,000 (60 million kwacha) to \$115,000 (577 million kwacha). The Government also initiated a child labor awareness campaign that included workshops for M.P.s, provincial departmental leaders, teachers, and trade union officials; radio programs to spearhead the campaign; and drama groups to sensitize local communities.

As of September 2003, 4,060 children were prevented from entering the labor market, and 4,487 children were withdrawn from hazardous work and provided with education, training, and other services by direct action programs carried out by NGOs under the National Program on the Elimination of Child Labor. The National Steering Committee of the National Country Program on Child Labor coordinated efforts at addressing the root causes of child labor.

e. Acceptable Conditions of Work

The minimum wage for nongovernment workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a general worker earning the minimum wage would receive \$15.36 (76,800 kwacha) per month. The minimum wage did not provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice, almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The Inspector of Factories under the Minister of Labor handled factory safety; however, staffing shortages limited enforcement effectiveness. The law protects the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment; however, workers did not exercise this right in practice. The Government has acted when well-known occupational health problems existed, such as by requiring underground mine workers to receive annual medical examinations.